

STEPHEN T. O'NEILL (115132)  
 ROBERT A. FRANKLIN (091653)  
 MURRAY & MURRAY  
 A Professional Corporation  
 19400 Stevens Creek Blvd., Suite 200  
 Cupertino, CA 95014-2548  
 Telephone: (650) 852-9000; (408) 907-9200  
 Facsimile: (650) 852-9244  
 Email: soneill@murraylaw.com  
 Email: rfranklin@murraylaw.com

Attorneys for Defendant Fresh 'N Healthy, Inc.  
 (Specially Appearing)

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

ASA FARMS, INC., a California  
 corporation and BRAGA RANCH,

Plaintiff(s).

v.

FRESH 'N HEALTHY, INC., a Delaware  
 corporation, MARK WILLIAMS, an  
 individual; JACK PARSON, an individual;  
 STEVEN CINELLI, an individual; CHAD  
 HAGEN, an individual, SANTOS  
 MARTINEZ, an individual; DON BEAM,  
 an individual; DARRYL NICHOLSON, an  
 individual; RICHARD MAY, an individual;  
 THOMAS COLOGNA, an individual;  
 PRESTWICK PARTNERS, LLC, a  
 California limited liability company;  
 SOLSTICE VENTURE PARTNERS, LLC,  
 a business entity form unknown;  
 VFINANCE INVESTMENTS, a business  
 entity form unknown; FMP VINEYARD,  
 LLC, a New Mexico limited liability  
 company; BUTTONWOOD OPTION, LLC,  
 a business entity form unknown; DW, LLC,  
 a business entity form unknown; M  
 SOLAZZO TRUST 2002; P. SOLAZZO  
 1998; GIBBONS FAMILY TRUST;  
 BIXLER TRUST; STEIGERWALD TRUST  
 and CARTER TRUST, and DOES 1 through  
 50, inclusive,

Defendant(s).

Case No. C08-00122 PVT

**EXHIBIT "A" To**

**RESPONSE TO MOTION FOR PRELIMINARY  
 INJUNCTION AND OBJECTION TO FORM OF  
 ORDER**

(SPECIALLY APPEARING)

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**PRELIMINARY INJUNCTION  
 [PROPOSED]**

1 This matter is before the Court upon Plaintiff's Motion for a Preliminary Injunction.

2 Proof of Service of Notice of this hearing has been filed with the Court.

3 It appearing that defendant Fresh 'N Healthy ("Fresh") having consented to the Entry of this  
4 Preliminary Injunction; and good cause appearing therefor:

5 **IT IS HEREBY ORDERED:**

6 1. Defendant Fresh, its agents, officers, directors, shareholders, subsidiaries, assigns and  
7 all persons in active concert or participation with them who receive actual notice of this Order, are  
8 enjoined and restrained from dissipating, paying, transferring, assigning or selling any and all assets  
9 covered by or subject to the trust provisions of the PACA without agreement of the parties or until  
10 further order of this Court.

11 2. This Order shall be binding upon the parties to this action, their officers, agents,  
12 employees, or attorneys and all other persons or entities who receive actual notice of this Order by  
13 personal service or otherwise.

14 3. Plaintiffs shall not be required to post a bond.

15 Preliminary Injunction is entered into this \_\_\_\_ day of \_\_\_\_\_, 2008 at \_\_\_\_\_.  
16 A hearing on Plaintiff's motion for permanent injunction is set for the \_\_\_\_ day of \_\_\_\_\_,  
17 2008 at \_\_\_\_\_. Plaintiffs shall forthwith serve Defendant Fresh or its residing agent with a copy  
18 of this Order.

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21 UNITED STATES DISTRICT COURT JUDGE  
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